

### REMARKS

Claims 1-76 are pending. Claims 39-57 are withdrawn from consideration. Claims 1-38 and 39-57 are rejected by the Office Action. The Applicant is amending claims 57, 67, and 68 in this response.

The Applicant filed a first Preliminary Amendment on August 22, 2001 in which the Applicant stated that the present patent application is a continuation of U.S. Application Nos. 09/305,931, 09/306,468, 09/306,022, and 09/306,466. The Applicant filed a second Preliminary Amendment on October 28, 2002 to amend the title to "Creating a Virtual Consultant."

The Applicant thanks the Examiner for withdrawing objections to the specification.

### Claim Rejections - 35 USC §102

Claims 1-38 and 58-76 are rejected by the Office Action under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,310,349 (Daniels). Regarding claim 1, the Office Action alleges that Daniels teaches the feature of "selecting a second destination to interact with the one or more users". As cited, Daniels discloses (Column 10, lines 19-34.):

FIG. 18 illustrates a sample curriculum sequence constructed as a flow chart using the LPE. In accessing the sequence, a student begins with the Adding Fractions unit, continues with the Subtracting Fractions unit, and then takes a unit test. Next comes a decision box wherein, depending on how the student does on the unit test, the system sends the student down one of three branches, i.e., a Remediation path if the student fails the test so that the Fractions Review unit can be accessed; a Core path if the student passes the test; and an Enrichment path if the student passes with the highest score so that the student can access the Fun With Fractions unit. The Remediation and Enrichment paths may contain decision boxes, but they must rejoin the Core path at some point. Note also that the last element in the sequence shown in FIG. 18 is a transition screen.

Daniels merely teaches altering a curriculum sequence based on student performance, in which the student continues with the same curriculum. However, Daniels does not teach the feature of "selecting a second destination to interact with the one or more users". For example, the present specification, as originally filed, teaches (Page 223, lines 8-21. Emphasis added.):

**Further destinations** for travelers in the virtual university are provided through label B 88040 which traverses to Figure 89. In Figure 89, an instructor lookup function is provided at function block 89010. A label BB 89030 provides direct access to a **professor's virtual office**. Decision block 89020 searches for a particular instructor (professor) name, and if the name is found, then at function

block 89040, the professor's virtual office is entered and if office hours are in effect, then a student can interact with the professor in a chat room. A Frequently Asked Questions (FAQ) is provided to assist students as shown in function block 89050. Function block 89060 provides old tests, function block 89070 provides classroom issues, function block 89080 provides classroom materials, 89090 provides class handouts, function blocks 89100 provides research topics, function block 89110 provides professor office hours, and function block 89120 provides homework assignments. Finally, at label A 87020, control is passed back for **further travel through the virtual university**.

Thus, Daniels does not anticipate claim 1 for at least the above reasons.

Similarly, the Applicant has amended claim 10 to “logic that selects a second destination to interact with the one or more users” and claim 11 to include “a code segment that selects a second destination to interact with the one or more users”. Thus, claims 10 and 11 are not anticipated for the above reasons. Claims 2-9 and 12-19 depend from independent claims 1, 10, and 11. The Applicant requests reconsideration of claims 1-19.

Claim 20-38 are rejected by this Office Action as being anticipated by Daniels. However, claim 20 includes the feature of “dynamically adding a second virtual instructor”. Daniels does not teach this feature. The Office Action asserts that Daniel’s disclosure of (col. 6, lines 37-64) teaches the feature of “dynamically adding a second virtual instructor”. However, Daniels merely teaches about the teacher group having three different subgroups (i.e., subset) including a first teacher subgroup (regular teacher), a second teacher subgroup (substitute teacher), and a third subgroup (media specialist). Daniels merely teaches limiting access to different resources of the Instructional Management System (IMS) depending whether the teacher is a regular teacher, a substitute teacher, or a media specialist. For example, Daniels does not teach or even suggest adding a substitute teacher when a regular teacher is already connected with the server and one or more users. Thus, Daniels does not anticipate claim 20 for at least the above reasons.

Similarly, claim 29 includes “logic that dynamically adds a second virtual instructor”, and claim 30 includes “code that dynamically adds a second virtual instructor”. Thus, claims 29 and 30 are not anticipated for the above reasons. Claims 21-28 and 31-38 depend from independent claims 20, 29, and 30. The Applicant requests reconsideration of claims 20-38.

Claims 58-76 are rejected by this Office Action as being anticipated by Daniels. The Applicant has amended claim 58 to include the feature of “selecting, **based on a student profile**,

a presentation type for instructing the one or more students”, which is supported by the present patent application, e.g., Figures 77 and 78 and page 205, line 4 to page 210, line 19 of the specification. (Emphasis added.) The present application discloses (Page 210, lines 7-15.):

First the new trainee would be required to identify themselves to the simulation. This can include any number of fields of information so that the simulation can "identify" the user and the type of training the user has had. This information is stored in a "User Profile." The simulation uses the user profile to begin a record or "User Indicia file" for the user. Other types of information that would be automatically stored in the user Indicia file would include without limitation, past training performance, remedial training required, user preferences and help engine usage and results. Many other types of information may be stored in this Indicia file so as to fully record the user's use of the simulation.

However, Daniels merely teaches different hierarchical levels (places, furniture, and objects) presented on a graphical user interface that do not depend upon a student profile. Thus, Daniels does not anticipate claim 58.

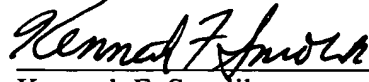
Similarly, the Applicant has amended claim 67 to include “logic that selects, based on a student profile, a presentation type for instructing the one or more students” and claim 68 to include “a code segment that selects, based on a student profile, a presentation type for instructing the one or more students”. Claims 67 and 68 are not anticipated by Daniels for at least the above reasons. Claims 59-66 and 69-76 depend from independent claims 58, 67, and 68. The Applicant requests reconsideration of claims 58-76.

**Conclusion**

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kenneth F. Smolik", written over a horizontal line.

Kenneth F. Smolik

Registration No. 44,344

BANNER & WITCOFF, LTD.

10 S. Wacker Drive, Suite 3000

Chicago, IL 60606-7407

Telephone: 312-463-5000

Facsimile: 312-463-5001